

**GUIDELINES
FOR THE
CITY OF SANTA BARBARA
ADVISORY GROUPS**



APPROVED BY THE CITY COUNCIL

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Prepared by the Santa Barbara City Clerk's Office

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CITY OF SANTA BARBARA ADVISORY GROUPS BACKGROUND INFORMATION

Section 800 of the City of Santa Barbara Charter authorizes the establishment of City boards and commissions:

"There shall be the following named advisory boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may specify the number of members thereof, their terms and manner of appointment, and may grant to them such powers and duties as are consistent with the provisions of this Charter."

Charter Boards and Commissions

Article VIII of the City Charter establishes the following 12 boards and commissions:

Airport Commission
Architectural Board of Review
Civil Service Commissioners, Board of
Fire and Police Commissioners, Board of
Fire and Police Pension Commissioners, Board of
Harbor Commissioners, Board of
Historic Landmarks Commission
Library Board
Park Commissioners, Board of
Planning Commission
Recreation Commission
Water Commissioners, Board of

Except as provided in the City Charter, all charter board and commission members must be qualified to vote in the City of Santa Barbara.

Article VIII also contains provisions regarding the manner of appointment, removal from office, number and terms of members, meetings, and the powers and duties of each board and commission. Those boards and commissions specifically established in the Charter may be eliminated only by amendment to the Charter, which must be approved by the voters.

Other City Advisory Groups

All City Advisory Groups not specified in the City Charter are established by the City Council by ordinance, resolution, or minute action. Most of these boards, commissions, and committees are established in accordance with Resolution No. 79-093 and its amendments. Some City Advisory Groups are formed for a specific purpose and cease to exist when their goals have been accomplished. The current City Advisory Groups are:

- Arts Advisory Committee
- Building and Fire Code Board of Appeals
- Community Development and Human Services Committee
- Community Events and Festivals Committee
- Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee
- Douglas Family Preserve Advisory Committee
- Downtown Parking Committee
- Franklin Center Advisory Committee
- Lower Westside Center Advisory Committee
- Rental Housing Mediation Task Force
- Sign Committee
- Santa Barbara Sister Cities Board
- Transportation and Circulation Committee
- Westside Center Advisory Committee

Other Appointments

The City makes appointments to groups created by State law such as the Housing Authority Commission and the Santa Barbara Metropolitan Transit District Board of Directors. The Housing Authority Commission membership may include one non-City resident. The City also appoints members to the Central Coast Commission for Senior Citizens.

The Housing Authority Commission, Santa Barbara Metropolitan Transit Board, and the Central Coast Commission for Senior Citizens are not advisory to the City Council; and their members may serve on a board, commission, or committee that is advisory to the City Council. These groups are included in these Guidelines since the application, appointment, conflict of interest, Brown Act, and parliamentary procedure policies apply to them.

ROLE OF CITY ADVISORY GROUPS IN POLICY-MAKING

Role of Boards, Commissions, and Committees

In keeping with the City's philosophy of citizen involvement, the City Council appoints persons to City Advisory Groups to assist in formulating City policy. Santa Barbara is proud of the quality of service performed by volunteers.

In accordance with Section 800 of the Charter of the City of Santa Barbara, the actions of Charter-established boards and commissions are advisory to the City Council, with a few limited exceptions specifically set forth in the Charter.

City of Santa Barbara Resolution No. 7885 regarding recommendations from boards and commissions to government agencies (adopted April 16, 1974), states that board and commission recommendations on matters which come before their respective bodies should be forwarded to the City Council for review since those recommendations are advisory to the City Council. The resolution states that:

"When any board or commission requests that its recommendations be forwarded to another governmental agency: (1) that the recommendation be sent first to the City Council with a request that it be forwarded with or without comment by the City Council; and (2) that except in the most extraordinary circumstances the City Council shall forward such recommendation and in its discretion forward it with or without comment."

Serving in Advisory Capacity

Members are responsible for attending all meetings regularly, understanding the duties of their positions, adhering to the Citywide Nondiscrimination Policy and Excellence in Customer Service Code of Conduct, and working in a manner that will contribute to the betterment of Santa Barbara.

SOURCES OF INFORMATION

A variety of resources are available in the City Clerk's Office and on the City's web site at www.ci.santa-barbara.ca.us for researching the scope of authority of the City Advisory Groups:

Charter of the City of Santa Barbara

The City is governed by the provisions of its Charter, which was approved by the voters of Santa Barbara. The California Constitution creates two types of cities: general law cities and charter cities. There are 105 charter cities, which include most of the larger cities in the State, and 371 general law cities in California. The provisions of their own adopted charter govern them unless the State of California has stated specifically that State laws have preempted an area of regulation. Generally, charter cities have more local authority over areas that traditionally have been considered "local" or municipal affairs, for example, zoning or local taxes.

Ordinances - Santa Barbara Municipal Code

The Santa Barbara Municipal Code is a compilation of all codified ordinances, which are the laws of the City. Copies of City ordinances - old and current - are available in the City Clerk's Office. In addition, certain ordinances, generally those with a specific, limited, or temporary purpose, are not codified. These "uncodified" ordinances also are available in the City Clerk's Office.

Resolutions

Resolutions constitute a written action or decision by the City Council. Copies of the resolutions, which create certain committees, set forth policy, establish membership, etc., are available in the City Clerk's Office.

Minutes - Official Record

The City Clerk's Office maintains the official minutes of actions taken by the City Council since 1850. Reports presented to the City Council by the City Advisory Groups are available in the City Clerk's Office. The City Staff Liaison to each group is responsible for maintaining the original minutes of meetings of the City Advisory Group. The current agendas of the City Advisory Groups are posted in the City Clerk's Office.

VACANCIES

There are two kinds of City Advisory Group vacancies:

Scheduled Vacancies

Scheduled vacancies are those created by the expiration of a term that is usually December 31.

In accordance with state law, a list of all scheduled vacancies for the upcoming calendar year is posted in the City Clerk's Office and at the Library on or before December 31, of each year.

Unscheduled Vacancies

Unscheduled vacancies are those created prior to a term's expiration due to resignation, removal, or death.

A City Advisory Group member is subject to removal by a motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

In accordance with state law, a special vacancy notice must be posted in the City Clerk's Office and in the Library not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the City Advisory Group will not be made for at least 10 working days after the posting of the special vacancy notice in the City Clerk's Office.

Resignations

If a City Advisory Group member finds that he/she cannot perform the duties of the office because of health, business, moving from the city, or other reasons, he/she shall submit a written resignation to the City Council in care of the City Clerk's Office for action. The vacancy is noticed on the Council agenda.

A member who is required to be a City resident and who relocates his or her residence outside of the City shall immediately notify the City Clerk's Office and resign from the board, commission, or committee.

RECRUITMENT PROCESS

Recruitments

An annual recruitment is conducted to fill numerous positions whose terms expire at the end of each calendar year. Additional recruitments may occur during the year, for example, to fill positions on a newly created board, commission, or committee or to provide sufficient members on a board, commission, or committee for a quorum.

As a part of the recruitment process, the City Clerk's Office notifies each incumbent as well as interested persons about the term expirations and vacancies, the deadline for receipt of applications, and the dates for the interviews and appointments.

Eligibility

Qualifications for membership vary depending on the City Advisory Group. In most cases, appointees must be residents and qualified electors of the City. A qualified elector is a United States citizen, 18 years of age or older, and living within the city limits of Santa Barbara. An appointee may not hold any full-time paid office or employment in City government. Membership qualifications are listed in the vacancy notice available in the City Clerk's Office, at the Library, and on the City's web site at www.ci.santa-barbara.ca.us. Additional information on the City Advisory Groups also is available on the City's web site.

Applications

Persons interested in serving on a City Advisory Group, including non-voting members and incumbents who wish to be considered for reappointment, must file a separate application for each group with the City Clerk's Office. The application consists of three pages. ONLY ONE ADDITIONAL PAGE OF INFORMATION MAY BE SUBMITTED. Applications may be obtained from the City Clerk's Office or from the City's web site at www.ci.santa-barbara.ca.us.

Applications may be completed for vacancies that currently exist or for consideration when future scheduled or unscheduled vacancies occur. An application remains on file in the City Clerk's Office for a period of one year from the date of receipt unless the applicant requests that it be withdrawn.

Interviews

Applicants are required to appear for an interview before the City Council. The City Council interviews each applicant during a Council meeting open to the public. Each applicant is requested to prepare a two to three minute verbal presentation that responds to a set of general and specific questions that are provided to the applicant by the City Clerk's Office in advance. An overall time limit of five minutes for the interview is allotted if the person is applying for more than one group.

The City Clerk's Office will notify applicants of the date(s) and time(s) for the interviews.

Names of applicants failing to appear for an interview will be removed from the list of persons eligible for appointment.

Applicants for non-voting positions are not required to appear for interviews.

APPOINTMENT PROCESS

Appointments

After interviewing the applicants, the City Council makes appointments by majority vote in open session. In making these appointments, the Council is guided by the City's Equal Opportunity Goals. The appointees are notified of the Council's decision by mail.

Equal Opportunity Goals

The City Council established a policy for the appointment process of members to the City's various boards, commissions, and committees, which included widespread distribution within the community of information including the number of vacancies and length of term, a full description of the purposes of the City Advisory Group, meeting times, deadline for applying, and the appointment process.

In making appointments, the City Council is guided by the City's commitment to nondiscriminatory employment practices and its intention to "serve as a model for equal opportunity through its prerogative of commission and board appointments." (Resolution No. 8022, adopted March 18, 1975)

The City Council and staff are committed to equal opportunity and non-discrimination. The City maintains its commitment to equality in the conduct of City business, and prohibits any policy, plan, program, custom or practice which has a discriminatory effect related to race, creed, color, national origin, ancestry, sex, political affiliation, religious belief, disability, sexual orientation, pregnancy, marital status or age. This policy shall apply to members of the City Council, all advisory Boards, Commissions and committees, citizen volunteers, City employees and to those who do business with or who seek to do business with the City of Santa Barbara.

Serving On More than One City Advisory Group

Because of the wealth of expertise available in our community, it is the City Council's preference that people serve on just one board, commission, or committee that is advisory to the City Council. The exception is in the case of the City Advisory Groups that are created for a limited term and purpose and that require a limited time commitment from their members, or meet infrequently. This does not include those members serving on a board, commission, or committee that is not advisory to the City Council such as the Housing Authority Commission, Santa Barbara Metropolitan Transit Board, and the Central Coast Commission for Senior Citizens.

Term of Appointment

Most terms of office for the City Advisory Groups are four years. The terms are staggered so that all terms do not expire in any one year. Members serve until their successors are appointed and qualified. If a member resigns before the expiration of a term, his or her replacement serves out the remainder of that term.

Successive Terms of Members of Boards, Commissions, and Committees

Resolution No. 95-106 adopted June 27, 1995, states that it is the policy of the City Council that wide community participation be sought in affairs of municipal government and that membership on the City Advisory Groups be open, insofar as is practicable, to all competent and interested persons who meet the stated qualifications. Pursuant to that policy "no member of an advisory group shall serve for longer than two consecutive full terms, consisting of an uninterrupted period of eight years, with the following exceptions. Members of the Sign Committee shall serve no more than two consecutive two-year terms consisting of an uninterrupted period of four years, and the tenant members of the Housing Authority shall serve no more than four consecutive two-year terms consisting of an uninterrupted period of eight years. If the Council finds that a particular member of an advisory group has unique qualifications that are of special benefit to the city, then said member may be reappointed to the same advisory group."

Oath of Office - Identification Cards

Article XX, Section 3, of the Constitution of the State of California requires that an oath of office be administered. After appointments are made, a Deputy administers a written oath in the City Clerk's Office or by a Notary Public, and appointees are provided with identification cards identifying them as members of the board, commission, or committee to which they have been appointed.

Orientation Process

Each department conducts an orientation session for its City Advisory Group(s) and distributes a reference manual to new City Advisory Group appointees.

Advisory Group Membership List

The members of all City Advisory Groups are listed in the "City of Santa Barbara Advisory Group Membership List."

Compensation

Most members of the Council-appointed City Advisory Groups receive no payment, however, the Planning Commission, Housing Authority Commission, and the Santa Barbara Metropolitan Transit District Board of Directors have special provisions for compensation. Planning Commissioners may receive compensation of \$50 for each meeting attended (Ordinance No. 5160); Santa Barbara Metropolitan Transit District Board of Directors may receive \$60 for each meeting attended, not to exceed \$180 per month; and Housing Authority Commission members may receive \$50 per meeting attended.

Liaisons

A City Councilmember is usually appointed as a liaison to each City Advisory Group in January of each year. In most cases, the department director is responsible for designating the City Staff Liaison to each City Advisory Group.

CONFLICT OF INTEREST – STATEMENTS OF ECONOMIC INTERESTS

Purpose

The Political Reform Act of 1974 (Government Code Sections 81000, et seq.), which was approved by the voters of the State of California, is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests, which could foreseeably cause conflicts. In addition, a public official may be required to disqualify himself/herself from making, participating in, or attempting to influence any government decision which will affect any of his/her financial interests, not just those that are required to be disclosed.

The Fair Political Practices Commission (FPPC) Office is available at their toll free telephone number (866-275-3772) to explain what a conflict of interest is and when the law requires disqualification, and the information is available at the FPPC web site at www.fppc.ca.gov. The City Clerk's Office and the City's web site at www.ci.santa-barbara.ca.us also provide conflict of interest information.

Public Inspection

The City Clerk's Office provides the Statement of Economic Interests forms. All forms are filed with the City Clerk's Office except for the original statements of Planning Commissioners, which are sent to the Fair Political Practices Commission; the City Clerk's Office retains a copy.

The original statements are retained in the City Clerk's Office for seven years, after which time they may be properly destroyed (Government Code Section 81009). All such forms are open for public inspection and reproduction at 10 cents per page (Government Code Section 81008).

Filers

Members of the following groups must file statements:

- Airport Commission
- Architectural Board of Review
- Arts Advisory Committee
- Building and Fire Code Board of Appeals
- Community Development and Human Services Committee
- Civil Service Commissioners, Board of
- Community Events and Festivals Committee
- Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee
- Douglas Family Preserve Advisory Committee
- Downtown Parking Committee

Filers (Contd.)

Fire and Police Commissioners, Board of
Fire and Police Pension Commissioners, Board of
Harbor Commissioners, Board of
Historic Landmarks Commission
Housing Authority Commission
Park Commissioners, Board of
Planning Commission
Recreation Commission
Sign Committee
Transportation and Circulation Committee
Water Commissioners, Board of

Type of Statements

The following statements must be filed:

Assuming Office Statement

Within 30 days of assuming office.

Annual Statement

No later than April 1, of each year for the reporting period of January 1, through December 31, of the previous year.

Leaving Office Statement

Within 30 days after leaving the designated position.

Additional Late Filing, Non-Filing, and Fine Provisions

In addition to the late filing, non-filing, and fine provisions contained in the Political Reform Act, the following will apply:

Late Filings

The City Advisory Group members who fail to file statements within 30 days of receiving specific written notice of the filing requirement will not be allowed to participate in meetings of the boards, commissions, or committees to which they have been appointed until the statement is filed with the City Clerk's Office.

Non-Filings

The City Advisory Group members who fail to file statements within 30 days of receiving specific written notice of the filing requirement will be subject to removal from the boards, commissions, or committees to which they have been appointed by motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

Additional Late Filing, Non-Filing, and Fine Provisions (Contd.)

Fines

The fines assessed to the City Advisory Group members are due and payable within 30 days of receiving specific written notice of the fine unless prior written arrangements are agreed to by the City Clerk's Office and met by the City Advisory Group member; and they will not be allowed to participate in meetings of the boards, commissions, or committees to which they have been appointed until the fine is paid to the City Clerk's Office.

Unpaid Fines

The City Advisory Group members who do not pay their fines within 30 days of receiving specific written notice will be subject to removal from the boards, commissions, or committees to which they have been appointed by motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

BROWN ACT COMPLIANCE

Purpose

The Ralph M. Brown Act was enacted in 1953 to assure that government action is taken openly. It is also known as the "California Open Meetings Law." (Government Code Sections 54950, et seq.)

Provisions

All meetings of City boards, commissions, committees, and groups are to be open and public, and all persons are to be permitted to attend any meeting.

Each City Advisory Group should adopt a written resolution, which establishes the time and place of its regular meetings.

Agenda

A written agenda must be prepared for each regular or special meeting of every legislative body. The agenda must contain a brief general description of each item of business to be transacted or discussed at the meeting and must specify the time and location of the meeting. No action shall be taken on any item not appearing on the posted agenda. (Sections 54954.2 and 54956)

Posting of Agenda

The agenda must be posted at least 72 hours before a regular meeting and 24 hours before a special meeting, and must be posted in a location that is freely accessible to members of the public. (Sections 54954.2 and 54956)

Ex-Agenda Items

An item may be added to the agenda after the agenda has been published and posted upon a determination by a two-thirds vote of the members (or unanimous vote if less than two-thirds of the members are present). The vote shall be on a motion stating that the need to take immediate action arose after the agenda was published and posted. Any such motion shall be accompanied by distribution of a written statement, to be included in the record, stating the facts upon which it can be determined that the need to take action arose after the agenda was published and posted. In addition, action may be taken on an item not on the posted agenda under the circumstances stated in Government Code Sections 54954.2(b)(1) dealing with emergencies and 54954.2(b)(3) dealing with continued regular meetings.

Agendas and Written Materials as Public Records

The Brown Act provides that agendas of a public meeting of the legislative body, as well as any other "writings" currently defined by law as public records, must be available for inspection when distributed to all, or a majority of all, of the members of the legislative body. Such documents are required to be available for inspection at the same time that they are distributed to the members of the body. If the material is distributed during the meeting and prepared by the City, it must be available for public inspection at the meeting. If it is distributed during the meeting by anyone else, it must be made available for public inspection after the meeting. In addition, copies of such documents must be made available to the public without delay pursuant to the California Public Records Act. (Section 54957.5[a]/[b])

Regular Meetings

Legislative bodies must set a date, time, and place for holding regular meetings. (Section 54954[a])

Members of the public shall be given the opportunity to directly address the legislative body concerning a specific item of business described in the agenda for the meeting. (Section 54954.4[a])

Special Meetings

The Brown Act permits special meetings to be called at any time either by the presiding officer or a majority of the members of a legislative body. The meeting can be called by delivering personally, or by any other means written notice to each member of the legislative body, as well as to each local newspaper of general circulation, radio, and/or television station requesting notice. The notice must be received at least 24 hours before the time of the meeting set forth in the notice.

Notice is not required for those members of the legislative body who have waived it or who attend the meeting despite the absence of formal notice. Notice is required even if no action is taken at the special meeting (Section 54956). The signatures of the City Advisory Group body may be obtained or other proof of service may be prepared to serve as proof that an agenda was received in a timely fashion.

The notice also must be posted at least 24 hours before the time of the meeting in a location, which is freely accessible to the public. The notice must include the time and place of the meeting, and identify the business to be transacted. Only the business set forth in the notice may be considered at the meeting.

Members of the public shall be given the opportunity to directly address the legislative body concerning any item that has been described in the agenda for the meeting. (Section 54954.3[a])

Adjourned Meetings

Regular or special meetings may be adjourned (continued) to a specific time and place (within the City limits unless it meets a certain exception). Less than a quorum can adjourn a meeting. A notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment provided that if the matter is continued to a time less than 24 hours after the adjournment, a copy of the order shall be posted immediately following the meeting at which the order or declaration of continuance was made. (Section 54955)

Emergency Meetings

An exception to the 24-hour notice requirement for special meetings is allowed in the case of an emergency situation involving matters that require prompt action due to the disruption or threatened disruption of public facilities. (Section 54956.5) The applicability of such emergency situations shall be determined exclusively by the City Attorney's Office.

Public Comment

Every agenda for regular meetings shall provide an opportunity for members of the public to address the legislative body directly on items of interest to the public that are within the jurisdiction of the legislative body provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act.

PARLIAMENTARY PROCEDURE

Robert's Rules of Order

All City Advisory Groups appointed by the City Council shall conduct their meetings in accordance with the current edition of *Robert's Rules of Order* except as provided by other rules adopted by the City Council. (Municipal Code Section 2.04.040 - Ordinance No. 3363, adopted 1969; and Resolution No. 79-093).

Bylaws

The City Advisory Groups may develop guidelines or rules and regulations, i.e., bylaws, provided that the bylaws are within the City Advisory Group's powers and duties established by the City Council and are consistent with the requirements of these guidelines. The bylaws shall include the regular meeting day, time, and place of meeting. A City Advisory Group's bylaws are subject to approval by the City Council.